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UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Alain DELACHE et al.

2008 NOV 17 PM 4:55

Art Unit: 3771

Application Number: 10/506,980

Examiner: Kristen C. Matter

Filed: September 8, 2004

Confirmation Number: 8796

For: **AIR ASSISTANCE APPARATUS FOR COMPUTING THE AIRFLOW  
PROVIDED BY ONLY MEANS OF PRESSURE SENSORS**

Attorney Docket Number: 062221  
Customer Number: 38834

**REQUEST FOR REFUND**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

November 14, 2008

Sir:

On September 15, 2008, a Correction of Entity Status was filed, stating that the Assignee became a large entity on March 26, 2008. Along with the Correction of Entity Status, a payment was submitted for the difference between the large entity and small entity rates for the fees associated with the Amendment filed on March 28, 2008. The difference amounted to \$1155.00. A check for \$1155.00 for the difference in fees was included. Submitted herewith is a copy of the date-stamped return post card that indicates receipt of the Correction of Entity Status and the check.

However, it is believed that this payment was in error and unnecessary. According to 37 CFR 1.27(g)(1), "Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due." Therefore, it was

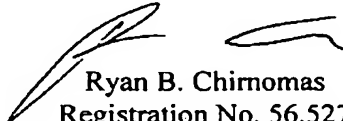
Application No.: 10/506,980  
Art Unit: 3771

Request for Refund  
Attorney Docket No.: 062221

unnecessary to pay the fees associated with the Amendment filed on March 28, 2008 at the large entity rate. It is noted that on September 5, 2008, the issue fee was paid at the large entity rate.

In view of the above, it is respectfully requested that the Patent Office refund the amount of \$1155.00 to Deposit Account 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Ryan B. Chimomas  
Registration No. 56,527  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

RBC/nrp

Enclosures: Copy of Correction of Entity Status filed September 15, 2008  
Copy of Check # 23662 for \$1155.00



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23662

WESTERN UNION CAPITAL & ADRIAN LLP  
100 CONVENT STREET, SUITE 100  
WASHINGTON, DC 20001

23662

1000.00

09/23/2008

AMOUNT

ONE THOUSAND ONE HUNDRED FIFTY FIVE AND 00/100 DOLLARS

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U.S. Patent Application  
Serial No. 10/506,980  
Applicant: Alain DELACHE et al.  
Papers filed herewith on September 15, 2008

Docket No. 062221  
Filed September 8, 2004

Correction of Entity Status  
Check for \$1155.00



RBC/nrp



COMMISSIONER OF PATENTS

Receipt is hereby acknowledged of the papers filed as indicated  
in connection with the above-identified case.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



In re the Application of: **Alain DELACHE et al.**

Art Unit: 3771

Application Number: **10/506,980**

Examiner: **Kristen C. Matter**

Filed: **September 8, 2004**

Confirmation Number: **8796**

For: **AIR ASSISTANCE APPARATUS FOR COMPUTING THE  
AIRFLOW PROVIDED BY ONLY MEANS OF PRESSURE  
SENSORS**

Attorney Docket Number: **062221**

Customer Number: **38834**

**CORRECTION OF ENTITY STATUS**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

September 15, 2008

Sir:

In accordance with 37 CFR 1.28(c), Applicants respectfully request correction of entity status.

This application ceased to qualify as a "small entity" on March 26, 2008 (two days prior to the filing of an Amendment and Petition for Extension of Time filed on March 28, 2008). As such, the fees should have been paid at the large entity rate, but were erroneously paid at the small entity rate.

Because the Applicants' Representative did not know of the assignee's change in entity status at the time of the filing of March 28, 2008, it is respectfully submitted that error in maintaining small entity status was in good faith. Applicants respectfully request that the Office change the status of this application to "large entity" status.

Application No.: 10/506,980  
Art Unit: 3771

Correction of Entity Status  
Attorney Docket No.: 062221

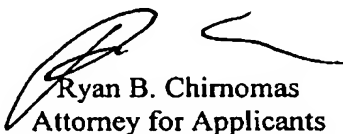
A check in the amount of \$1,155.00 is enclosed to cover the deficiency.

Fee type	Previously Paid	Present fee	Deficiency
Total claims in excess of twenty	$\$25 \times 21 = \$525$	$\$50 \times 21 = \$1050$	\$525
Independent Claim in excess of three	$\$105 \times 1 = \$105$	$\$210 \times 1 = \$210$	\$105
Petition for Extension of Time (3 months)	\$525	\$1050	\$525
<b>Totals</b>	<b>\$1155</b>	<b>\$2310</b>	<b>\$1155</b>

All future fees associated with the prosecution of this application will be paid at the "large entity" status rates.

If any additional fees are due in connection with this paper, please charge Deposit Account No. 50-2866.

Respectfully submitted,  
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

  
Ryan B. Chirnomas  
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Telephone: (202) 822-1100  
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